

## **REMARKS**

Claims 1-13 and 15-21 are now pending in the application. Claims 1, 8, and 13 are amended. Support for the foregoing amendments can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

A. Claims 1-7, 13, 15-17, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster et al. (U.S. Pub. No. 2002/0181395 A1) in view of Karp (U.S. Pat. No. 5,469,154). This rejection is respectfully traversed.

Applicant has amended claims 1, 8, and 13. Claim 1 is directed to, among other things, a packing algorithm circuit configured to compute an actual traffic pattern for a packet from one of a plurality of nodes based on received network topology data and all the received traffic pattern requests from the plurality of packet sources in a predetermined time window such that the network is able to operate as a strictly non-interfering network. Applicant submits that Foster and Karp, individually or in combination, fail to teach or suggest the above limitations.

Foster at best appears to disclose a network manager receives a registration request from a source node, determines a path though the network via which a packet can be transferred to from the source node to a destination node at a determined quality of service level, and associates a virtual identifier with the determined path. In other words, in Foster, the network manager determines the path merely based on one

request containing information of the pair of source node and the destination node, rather than based on all the traffic pattern requests, containing information of more than one pairs of source and destination nodes. When determining a path for a pair of source and destination nodes, the network manager of Foster does not take into consideration of all the other paths for the other different pairs of source and destination nodes.

Applicant further submits that Karp fails to cure the deficiencies of Foster. Specifically, Karp does not provide a predictable solution or variation upon which one of ordinary skill in the art can rely to modify Foster to obtain the claimed invention, including the limitations of receiving a traffic pattern request from each of a plurality of packet sources and computing an actual traffic pattern based on all the received traffic pattern requests.

In view of the foregoing, Applicant submits that claim 1 and its dependent claims 2-7 and 17 define over the art cited by the Examiner. Claim 8 and its dependent claims 9-12 and 19, as well as claims 13 and its dependent claims 15-17 and 20-21 define over the art cited by the Examiner for one or more of the reasons set forth above regarding claim 1.

B. Claims 11-12, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster et al. (U.S. Pub. No. 2002/0181395 A1) in view of Brahmaroutu (U.S. Pub. No. 2003/0033427 A1).

Applicant respectfully submits that the arguments made above with respect to Foster applies equally hereto. Further, Brahmaroutu in combination with Foster fails to

cure these deficiencies. Thus, Applicant submits claims 11-12 and 19-20 define over the art cited by the Examiner by virtue of their dependency from claim 13; and claim 18 defines over the art cited by the Examiner by virtue of its dependency from claim 1.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 8-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Foster et al. (U.S. Pub. No. 2002/0181395 A1). This rejection is respectfully traversed.

Applicant has amended claim 8 to include similar limitations as those in claim 1. Applicant submits that claim 8 and its dependent claims 9-10 define over the art cited by the Examiner for one or more of the reasons set forth above regarding claim 1.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 23, 2008

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